

**Filed 9/15/04 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2004 ND 177

Grady Jackson,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20030365

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Benny A. Graff, Judge.

AFFIRMED.

Per Curiam.

Marvin M. Hager, P.O. Box 1381, Bismarck, ND 58502-1381, for petitioner and appellant.

Lloyd Clayton Suhr, Courthouse, 514 East Thayer Avenue, Bismarck, ND 58501, for respondent and appellee.

Jackson v. State

No. 20030365

Per Curiam.

[¶1] Grady Jackson appealed from a district court order denying his application for post-conviction relief arising from his conviction for class A misdemeanor driving under suspension in violation of N.D.C.C. § 39-06-42. Jackson argues he received ineffective assistance of counsel because his trial attorney failed to timely file a motion to suppress evidence resulting from the traffic stop. Jackson alleges he was stopped only because he is African American and the jury pool was not comprised of his peers. We affirm the order denying post-conviction relief under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Mary Muehlen Maring
William A. Neumann
Dale V. Sandstrom